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**REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL**

ORDINANCE RELATING TO NEWSRACKS ON PUBLIC RIGHTS-OF-WAY

BACKGROUND

On Monday, September 9, 1996, Ordinance number 0-96-157 was presented to the City Council for introduction. The proposed ordinance contained a number of revisions relating to placement of newsracks in the public right of way in the City of San Diego.

At the conclusion of the public hearing, the Council directed the City Attorney to return the ordinance for introduction on September 16, 1996, with the following proposed changes: exclude the Centre City area from the application of the new ordinance, leaving Centre City subject to the provisions of the City's existing newsrack ordinance. (In addition, Council directed that staff prepare possible revisions respecting the Centre City area, a proposal for permit requirements for newsracks and a report on kiosk feasibility to present to the Land Use and Housing committee for review.)

The newsrack ordinance as presented on September 9 included the following changes:

1. Required that identification information on newsracks be permanently stenciled to the newsrack;
2. Required that newsracks adjacent to curbs open facing away from roadways;
3. Required that the space between groups of newsracks be expanded to six feet (rather than the current five feet) and required that the space be clear and paved;
4. Added red and yellow curb placement restrictions;
5. Eliminated the 150 foot exception to the placement restrictions;
6. Required that distributors remove bolts and other devices for securing newsracks upon removal of the newsracks; and
7. Eliminated existing provisions regarding uniform newsracks.

ORDINANCE OPTIONS

In response to Council's direction, our office has revised the previously proposed

ordinance in an effort to fully accommodate Council's desire to distinguish between the need for location restrictions in the downtown area versus other parts of the City. Recognizing that the Centre City area is a unique area serving thousands of people on a daily basis, many of them visitors, we have drafted two versions of the proposed ordinance which include an exception for Centre City. In addition, a paragraph is provided which, at the Council's option, would allow non-complying newsracks to remain for five years if no written complaints are received. Each ordinance option is printed on a different color paper for ease of reference.

Option #1 (Blue) This option applies all of the new ordinance requirements to Centre City, but retains the 150' exception in the Centre City area.

Option #2 (Pink) This option also retains the 150' exception in the Centre City area but does not impose the colored curb and spacing restrictions in Centre City.

Supplemental paragraph (Green) This paragraph allows existing newsracks in violation of the placement restrictions to remain for a five year period if no written objections to the individual newsrack has been or is received from any owner or resident of property within 200 feet of the newsrack. This paragraph may be added to section 62.1005(e) in either of the two proposed options.

CONCLUSION

We have prepared two versions of the proposed ordinance to limit the effect in the Centre City area. Each of the options carves out an exception for Centre City consistent with Council's expressed intent at the September 9 hearing.

Respectfully submitted,

JOHN W. WITT
City Attorney

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ATTACHMENTS
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